

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ACE AMERICAN INSURANCE COMPANY

Petitioner,

v.

MEADOWLANDS DEVELOPER LIMITED
PARTNERSHIP

Respondent.

CIVIL ACTION

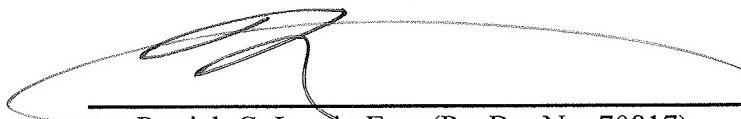
NO. 2:13-CV-01613

SECOND AMENDED REQUEST FOR ENTRY OF DEFAULT JUDGMENT

Petitioner, ACE American Insurance Company, requests that the clerk of court enter default judgment against defendant, Meadowlands Developer Limited Partnership pursuant to Federal Rule of Civil Procedure 55(b). In support of this request, plaintiff relies upon the affidavit submitted herein.

Dated this 20th day of November, 2013.

**MARKS, O'NEILL, O'BRIEN,
DOHERTY & KELLY, P.C.**



Patrick C. Lamb, Esq. (Pa. Bar No. 70817)
Noah A. Schwartz, Esq. (Pa. Bar No. 307835)
Marks, O'Neill, O'Brien Doherty & Kelly, P.C.
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Attorneys for Petitioner,
ACE American Insurance Company

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AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT JUDGMENT

I, Noah A. Schwartz, being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.

2. The within petition is to confirm an arbitration award entered on March 5, 2013 by a duly appointed panel of arbitrations against the respondent in the amount of **\$5,214,249.10**.

3. The arbitration award provided for the accrual of monthly interest on three (3) underlying accounts.

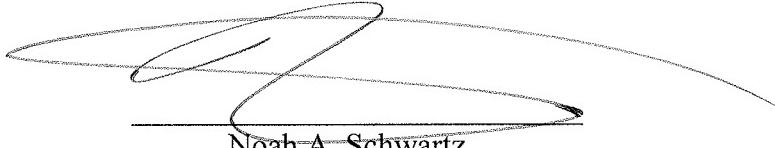
4. The first account would accrue simple interest in the amount of \$10,791.08 to be paid on the 23rd of each month, or \$354.78 daily $((\$10,791.08 \times 12) / 365 = \$354.78)$. Interest to February 23, 2013 was included in the arbitration award. 272 days have passed since February 23, 2013, resulting in **\$96,500.16** being due on the first account as of November 20, 2013.

5. The second account would accrue simple interest in the amount of \$12,488.73 to be paid on the 23rd of each month, or \$410.59 daily $((\$12,488.73 \times 12) / 365 = \$410.59)$. Interest

to February 23, 2013 was included in the arbitration award. 272 days have passed since February 23, 2013, resulting in **\$111,680.48** being due on the second account as of November 20, 2013.

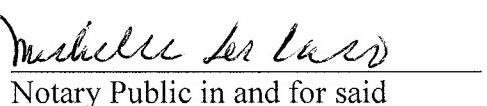
6. The third account would accrue simple interest in the amount of \$10,651.17 to be paid on the 15th of each month, or \$350.18 daily $((\$10,651.17 \times 12) / 365 = \$350.18)$. Interest to February 15, 2013 was included in the arbitration award. 280 days have passed since February 15, 2013, resulting in **\$98,050.40** being due on the third account as of November 20, 2013.

7. Accordingly, judgment in the sum certain of **\$5,520,480.14** (\$5,214,249.10 + \$96,500.16 + \$111,680.48 + \$98,050.40) plus daily interest in the amount of \$1,115.55 (\$354.78 + \$410.59 + \$350.18) beginning November 21, 2013 should be entered in favor of petitioner and against respondent

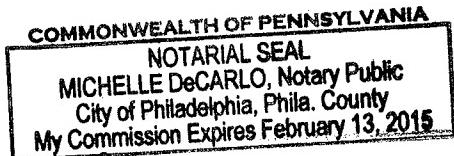


Noah A. Schwartz

SUBSCRIBED AND SWORN to before me
this 30th day of November, 2013.



Notary Public in and for said
County and State



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CERTIFICATE OF SERVICE

I, Noah A. Schwartz, Esquire, hereby certify that I am employed by Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. and am of such age and discretion as to be competent to serve papers.

I further certify that on this date, I caused a copy of the Request for Amended Entry of Default Judgment and Affidavit in Support of Request to be sent by certified mail, return receipt requested, to the defendant at the address stated below, which is the last known address of said defendant.

Meadowlands Developer Limited Partnership,
c/o Corporation Service Company,
830 Bear Tavern Road,
West Trenton, NJ 08628

Ed Dailey
Colony Capital, LLC
660 Madison Avenue
Suite 1600
New York, NY 10065
edailey@colonyinc.com



Noah A. Schwartz, Esquire

Dated this 20th day of November, 2013